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REPLY TO Wilmington Office

December 11, 2007

**By Electronic Filing**

Chief Judge Gregory M. Sleet  
U. S. District Court for the District of Delaware  
844 North King Street  
Wilmington, DE 19801

**Re: Rohm and Haas Electronic Materials v. Honeywell International Inc.,  
Case 1:06-cv-00297-GMS**

Dear Chief Judge Sleet:

We represent Rohm and Haas Electronic Materials in the above-referenced case. We wish to inform the Court that on December 10, 2007, the United States Patent and Trademark Office (USPTO) has issued a Notice of Intent to Issue Ex Parte Reexamination Certificate (NIRC) for one of the patents in suit, U.S. Patent No. 6,472,128. A copy of the NIRC is enclosed.

The NIRC closes prosecution on the merits and confirms the patentability of all claims (1-31).

If the Court has any questions, please do not hesitate to contact me.

Respectfully,

/s/ Rudolf E. Hutz  
Connolly Bove Lodge & Hutz LLP

Enclosures

cc: James D. Taylor, Jr. (by email)  
Constance Huttner (by email)

**EXHIBIT A**



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/008,359	12/04/2006	6472128		8757

53884 7590 12/10/2007

ROHM AND HAAS ELECTRONIC MATERIALS LLC  
 455 FOREST STREET  
 MARLBOROUGH, MA 01752

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 12/10/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notice of Intent to Issue Ex Parte Reexamination Certificate</b>	Control No.	Patent Under Reexamination	
	90/008,359	6472128	
	Examiner	Art Unit	
	Stephen J. Stein	3991	

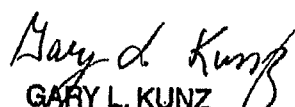
**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**


1. ☒ Prosecution on the merits is (or remains) closed in this *ex parte* reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. Cf. 37 CFR 1.313(a). A Certificate will be issued in view of
  - (a) ☒ Patent owner's communication(s) filed: 28 November 2007.
  - (b) ☐ Patent owner's late response filed: \_\_\_\_\_.
  - (c) ☐ Patent owner's failure to file an appropriate response to the Office action mailed: \_\_\_\_\_.
  - (d) ☐ Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
  - (e) ☐ Other: \_\_\_\_\_.

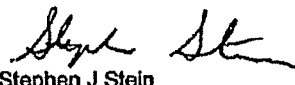
Status of *Ex Parte* Reexamination:

  - (f) Change in the Specification: ☐ Yes ☒ No
  - (g) Change in the Drawing(s): ☐ Yes ☒ No
  - (h) Status of the Claim(s):
    - (1) Patent claim(s) confirmed: \_\_\_\_\_.
    - (2) Patent claim(s) amended (including dependent on amended claim(s)): 1-16
    - (3) Patent claim(s) cancelled: \_\_\_\_\_.
    - (4) Newly presented claim(s) patentable: 17-31.
    - (5) Newly presented cancelled claims: \_\_\_\_\_.
2. ☒ Note the attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submission(s) should be labeled: "Comments On Statement of Reasons for Patentability and/or Confirmation."
3. ☐ Note attached NOTICE OF REFERENCES CITED (PTO-892).
4. ☐ Note attached LIST OF REFERENCES CITED (PTO/SB/08).
5. ☐ The drawing correction request filed on \_\_\_\_\_ is: ☐ approved ☐ disapproved.
6. ☐ Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the certified copies have
    - ☐ been received.
    - ☐ not been received.
    - ☐ been filed in Application No. \_\_\_\_\_.
    - ☐ been filed in reexamination Control No. \_\_\_\_\_.
    - ☐ been received by the International Bureau in PCT Application No. \_\_\_\_\_.

\* Certified copies not received: \_\_\_\_\_.
7. ☐ Note attached Examiner's Amendment.
8. ☐ Note attached Interview Summary (PTO-474).
9. ☐ Other: \_\_\_\_\_.

  
**GARY L. KUNZ**  
 PRIMARY EXAMINER  
 CRU - AU 3991

  
**DEBORAH D. JONES**  
 CRU SPE-AU 3991

  
**Stephen J Stein**  
 Primary Examiner  
 Art Unit: 3991

cc: Requester (if third party requester)

UNITED STATES DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

**REEXAMINATION**  
**REASONS FOR PATENTABILITY / CONFIRMATION**

Reexamination Control No. 90/008,359


Attachment to Paper No. 20071128.

Art Unit 3991.

PTOL-476 (Rev. 03-98)

  
(Examiner's Signature)

STEPHEN J. STEIN  
CRU EXAMINER - AU 3991

  
GARY L. KUNZ  
PRIMARY EXAMINER  
CRU - AU 3991

  
DEBORAH D. JONES  
CRU SPE-AU 3991

Application/Control Number: 90/008,359  
Art Unit: 3991

Page 2

**NOTICE OF INTENT TO ISSUE EX-PARTE REEXAMINATION CERTIFICATE**

**(NIRC)**

1. This is a Notice of Intent to an Issue Ex parte Reexamination Certificate (NIRC) in the Reexamination proceeding of U.S. 6,472,128 issued on October 29, 2002 to Thackeray et al. ('128 patent). The application on which the patent was granted, 09/924,045, was filed on August 7, 2001 and is a continuation of U.S. Serial Number 08/640,144, filed April 30, 1996, which is a continuation of U.S. Serial Number 07/792,48, filed November 15, 1999.

***Summary of the Proceeding***

December 4, 2006 - A request for Reexamination was filed by the third party Requester.  
January 25, 2007 - An Order for Reexamination was mailed.  
April 9, 2007 - A Non-Final Office action was mailed.  
June 11, 2007 - Patent Owner submitted an amendment and response to the Office Action.  
July 12, 2007 - A Personal Interview was conducted between Patent Owner and the Examiner.  
July 19, 2007 - Patent Owner submitted a Supplemental Amendment.  
October 01, 2007 - A Final Rejection was mailed.  
November 16, 2007 - Patent Owner submitted an After Final Amendment.  
November 28, 2007 - Patent Owner submitted a Supplemental After Final Amendment.

***Confirmation/Allowance of Claims***

2. Amended claims 1-16 and newly presented claims 17-31 are allowed over the prior art of record.

Application/Control Number: 90/008,359  
Art Unit: 3991

Page 3

**STATEMENT OF REASONS FOR PATENTABILITY AND/OR CONFIRMATION**

3. The following is an examiner's statement of reasons for patentability and/or confirmation of the claims found patentable in this reexamination proceeding:

Regarding amended claims 1-16 and newly presented claims 17-31, the primary reasons for the indication of allowance of the claims, are (1) Patent Owner's arguments distinguishing anthracene as claimed from the anthroquinones to overcome the rejections over the Jain, Arnold, Koshimo and Rhode prior art references, (2) Patent Owner's amendment to independent claims 1 and 5 and incorporation into newly added independent claim 24 of the limitation "positive-acting photoresist" so as to overcome the rejections over the Rhode prior art reference, (3) Patent Owner's incorporation into newly added claim 28 of the limitation "wherein the antihalation composition is crosslinked prior to applying the photoresist composition over the antihalation composition layer", and (4) Patent Owner's filing of Terminal Disclaimers over co-invented patents U.S. 5,581,730 and U.S. 5,581,738 to overcome the obviousness-type double patenting rejections.

While each of the Jain, Arnold and Koshimo prior art references disclose an antihalation/antireflective layer sandwiched between a substrate and a photosensitive resist layer, each of Jain, Arnold and Koshimo disclose that the photosensitive material in the antihalation/antireflective layer is an *anthraquinone*. The references, however, fail to teach or suggest the presence of an "anthracene material" in the antihalation or antireflective layer. Additionally, while the Rhode prior art reference discloses a method of preparing a coated material comprising (1) a substrate that can bear a relief image, (2) a photostructable negative working adhesive layer made of polyimide homo- and co-polymers and antihalo dye including

Application/Control Number: 90/008,359  
Art Unit: 3991

Page 4

anthracene and azide cross-linkers, and (3) a self-supporting photo-crosslinkable polyimide film (photoresist layer) on top, the reference fails to teach or suggest a "positive-acting photoresist" as claimed in amended independent claims 1, 5 and newly added independent claim 24. Moreover, Rhode fails to teach or suggest that the "antihalation composition is crosslinked prior to applying the photoresist composition over the antihalation composition layer" as claimed in newly added independent claim 28. Thus, the prior art of record fails to teach or suggest the claimed invention recited in claims 1-31.

#### NOTICE RE PATENT OWNER'S CORRESPONDENCE ADDRESS

4. Effective May 16, 2007, 37 CFR 1.33(c) has been revised to provide that:

The patent owner's correspondence address for all communications in an *ex parte* reexamination or an *inter partes* reexamination is designated as the correspondence address of the patent.

*Revisions and Technical Corrections Affecting Requirements for Ex Parte and Inter Partes Reexamination*, 72 FR 18892 (April 16, 2007)(Final Rule)

**The correspondence address for any pending reexamination proceeding not having the same correspondence address as that of the patent is, by way of this revision to 37 CFR 1.33(c), automatically changed to that of the patent file as of the effective date.**

This change is effective for any reexamination proceeding which is pending before the Office as of May 16, 2007, including the present reexamination proceeding, and to any reexamination proceeding which is filed after that date.

Parties are to take this change into account when filing papers, and direct communications accordingly.

In the event the patent owner's correspondence address listed in the papers (record) for the present proceeding is different from the correspondence address of the patent, it is strongly encouraged that the patent owner affirmatively file a Notification of Change of Correspondence Address in the reexamination proceeding and/or the patent (depending on which address patent owner desires), to conform the address of the proceeding with that of the patent and to clarify the record as to which address should be used for correspondence.

Telephone Numbers for reexamination inquiries:



Application/Control Number: 90/008,359

Page 5

Art Unit: 3991

Reexamination and Amendment Practice	(571) 272-7703
Central Reexam Unit (CRU).	(571) 272-7705
Reexamination Facsimile Transmission No.	(571) 273-9900

***Future Correspondence***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Stein whose telephone number is 571-272-1544. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m. If the attempts to reach the examiner are unsuccessful, the examiner's supervisor, Deborah Jones can be reached by dialing 571-272-1535. The official fax number for the organization where this application is assigned is 571-273-9900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Correspondence relating to this *ex parte* reexamination proceeding should be directed as follows:

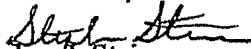
By U.S. Postal Service Mail to:

Mail Stop *Ex Parte* Reexam  
ATTN: Central Reexamination Unit  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

By FAX to: (571) 273-9900  
Central Reexamination Unit

By hand to: Customer Service Window  
Randolph Building  
401 Dulany St.  
Alexandria, VA 22314

November 28, 2007

  
Stephen J. Stein  
Art Unit 3991

Conferee

  
GARY L. KUNZ  
PRIMARY EXAMINER  
CRU - AU 3991

Conferee

  
DEBORAH D. JONES  
CRU SPE-AU 3991